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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/973,477	10/06/2001	M. Keith Sharp	11114-4	5317

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EXAMINER

DESANTO, MATTHEW F

ART UNIT	PAPER NUMBER
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3763

DATE MAILED: 06/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/973,477	Applicant(s) SHARP, M. KEITH	
	Examiner Matthew F DeSanto	Art Unit 3763	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 8 and 9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-7 and 10-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Vermed (FR 2757405).

Vermed disclosed a hypodermic needle used with a hypodermic syringe, wherein the needle comprises a hollow tube having an angled end with respect to a longitudinal axis of the tube, the end having an opening surrounded by an external peripheral rim, and where the external peripheral rim is beveled back at least 50%, to form an internal beveled surface, as well as the method of making the needle and a method of use (Figure 2, and entire reference).

As to claim 6, wherein the internal beveled surface is curved (Figure 2, and entire reference).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. Claims 1-7, 10-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doyle et al. (USPN 6009933), and further in view of Gravlee, Jr. (USPN 5,788,679).

Doyle et al. disclosed a hypodermic needle used with a hypodermic syringe, wherein the needle comprises a hollow tube having an angled end with respect to a longitudinal axis of the tube, the end having an opening surrounded by an external peripheral rim, and where the external peripheral rim is beveled back at least 50%, to form an internal beveled surface, wherein the internal beveled surface is curved and wherein the internal beveled surface surrounds 20-70% of the opening as well as the method of making the needle and a method of use (Figure 1, 2 and entire reference), but fails to disclose having an internal beveled surface that is beveled from the outer surface to the interior surface towards the bore and away from the piercing tip.

Gravlee, Jr. discloses a needle that has an outer surface, an interior surface defining a bore, and an angled end with respect to a longitudinal axis. Gravlee also discloses an internal beveled surface that is beveled from the outer surface to the interior surface towards the bore and away from the piercing tip. (Figure 6, 7)

At the time of the invention it would have been obvious for one of ordinary skill in the art to combine the needle of Doyle et al. with Gravlee, Jr. because Gravlee, Jr. teaches an advantage to having this structure, which is so that the total cutting area of the needle increases (Column 5, line 20-30).

Response to Arguments

4. Applicant's arguments filed 3/26/04 have been fully considered and are persuasive to overcome the 102 rejections with regards to Doyle and Henderson.

With regards to Vermed, Figure 2 shows the claimed invention, such as an internal beveled surface that is beveled from the outer surface to the interior surface towards the bore and away from the piercing tip.

The examiner would also like to note that the independent claims are unclear and would like clarification or an amendment because the claims could be interpreted as the outer surface at the distal end near the piercing tip is the surface that is beveled from the outer surface (tip) towards the bore and not the outer surface opposite the piercing tip.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew F DeSanto whose telephone number is 1-703-305-3292. The examiner can normally be reached on Monday-Friday 9:30-6:00.

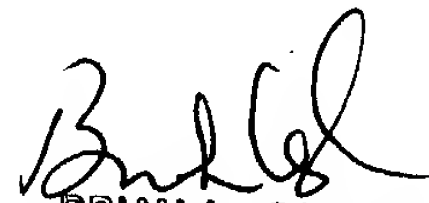
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Casler can be reached on 1-703-308-3552. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Matthew DeSanto
Art Unit 3763
June 14, 2004



BRIAN L. CASLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700